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| 10/528,983 | 09/23/2005 | Damon H. Langlois | 54700/DBP/F50 | 6378 |
| 23363 7590 06/26/2007 CHRISTIE, PARKER & HALE, LLP PO BOX 7068 PASADENA, CA 91109-7068 | | | EXAMINER MANSKAR, KRISTEN | |
| | | | ART UNIT 2875 | PAPER NUMBER |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/528,983

Applicant(s)

LANGLOIS ET AL.

Examiner

Kristen A. Manskar

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 4/13/07.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-8,19,20,22-24 and 26-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9-18 is/are allowed.
- 6) ☒ Claim(s) 1,2,4-8,19,20,22-24 and 26-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 4/13/07 and 4/22/05 and 3/23/05
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1, 2, 4-20, 23 and 24 have been considered but are moot in view of the new ground(s) of rejection. The amended claims are fully addressed below with new grounds of rejections.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 1, 5, 19, 20, 22, 31, 33, 38, 40, and 45** are rejected under 35

U.S.C. 102(b) as being anticipated by Doan, et al. (Patent 4,200,904), hereafter referred to as Doan.

4. With respect to claim 1, Doan discloses a vehicular stop illuminating device comprising: a power storage device (19); a solar panel to charge the power storage device (14); a first light source (22) in electrical communication with the power storage device to provide illumination to the stop; a first switch to control illumination of the first light source (Column 3, Lines 5-10); a second light source in electrical communication with the power storage device to signal a bus to stop (24) and a second switch (31) to control illumination of the second light source (Column 3, Lines 29-36; Column 4, Lines 20-23).

Art Unit: 2875

5. Regarding claim 5, Doan discloses a device including a display region for displaying information (28, 29).

6. In reference to claim 19, Doan discloses a bus stop illuminating device comprising a support structure (11); a lighting assembly mounted to the support structure and housing: a power storage device (20); a solar panel to charge the power storage device (14); a first light source in electrical communication with the power storage device to provide illumination to a bus stop (22); a first switch (Column 3, Lines 5-10) mounted to the support structure to control illumination of the first light source; a second light source in electrical communication with the power storage device to signal a bus to stop (24); and a second switch (31) mounted to the support structure to control illumination of the second light source (Column 3, Lines 29-36; Column 4, Lines 20-23).

7. With respect to claim 22, Doan discloses a device including a display region for displaying information mounted to the support structure (28).

8. In reference to claim 31, Doan discloses a stop illuminating device comprising a power storage device (20); a solar panel operably configured for charging the power storage device (14); a first light source in electrical communication with the power storage device to provide illumination to the bus stop (22); a display region for displaying information (28); a second light source in electrical communication with the power storage device to illuminate the display region (24); and a second switch to control illumination of the display region (31).

Art Unit: 2875

9. Regarding claim 38, Doan discloses an illuminating device comprising a support structure (11); a lighting assembly mounted to the support structure and housing (22, 24); a power storage device (20); a solar panel to charge the power storage device (14); a first light source in electrical communication with the power storage device to provide illumination to the bus stop (24); a first switch to control illumination of the first light source (Column 3, Lines 5-10); a second light source in electrical communication with the power storage device to signal a bus to stop (24) and a second switch (31) to control illumination of the second light source (Column 3, Lines 29-36; Column 4, Lines 20-23).

10. Regarding claims 20 and 40, Doan discloses a lighting device in which the support structure is a post (Figure 1).

11. Doan additionally discloses a lighting device of claims 29, 30, 33, and 45, in which the first light source is operative to operate at a reduced level for a preset time after the first switch is activated (Column 3, Lines 5-10).

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. **Claims 2, 4, 8, 26, 27, 28, 34, 35, 37, and 42-44** are rejected under 35 U.S.C. 103(a) as being unpatentable over Doan.

Art Unit: 2875

14. The examiner takes Official Notice that the use of LEDs is old and well known in the illumination art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute an LED for the light source in the system of Doan. One would have been motivated to do so since LEDs are recognized in the illumination art to have many desirable advantages, including reduced size, high efficiency, low power consumption, long life, resistance to vibrations, and low heat production, over other light sources.

15. **Claims 6, 23, 36, and 41** are rejected under 35 U.S.C. 103(a) as being unpatentable over Doan.

16. While Doan discloses the use of a third light source (28) in electrical communication with the power storage device, Doan does not explicitly disclose the use of a third switch to control illumination of the display region.

17. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a third control switch since it has been held that mere duplication of essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

18. **Claims 7, 24, 32, and 39** are rejected under 35 U.S.C. 103(a) as being unpatentable over Doan in view of Guest (PG Pub 2004/0004827), hereafter referred to as Guest.

19. Doan discloses a solar powered illumination device including a protective front layer (28) and a translucent layer (Column 2, Lines 7-15).

Art Unit: 2875

20. Doan does not explicitly disclose a display region as comprising a reflective back layer and a light diffusing intermediate layer adapted to be edge lit by the light source (LED).

21. In reference to claims 7 and 24, Guest discloses a display region comprising a reflective back layer and a light diffusing intermediate layer adapted to be edge lit by the light source (Figure 5; ¶3, ¶65, Lines 1-3) for the benefit of providing low lighting to operate for extended periods of time (¶7).

22. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the reflective back layer and the light diffusing layer of Guest in the display device of Doan as using this design will enable the use of a lighting device which relies on low levels of electrical power to operate the illumination device for extended periods of time (Guest; ¶7).

Allowable Subject Matter

23. Claims 9-18 are allowed.

24. The following is a statement of reasons for the indication of allowable subject matter: While Doan discloses a lighting device including a first, second, and third light source, Doan does not explicitly disclose the use or motivation for an illuminated bus schedule device to be combined with the solar lighting device. Warren, et al. (Patent 7,167,103) discloses an illuminated bus schedule assembly that is mounted to a post having a solar cell that is capable of recharging the lighting device (see Abstract); however, the prior art does not disclose either alone or in combination the use of a bus schedule assembly to be included within the lighting device.

Prior Art

25. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Warren, et al. (Patent 7,167,103) discloses an illuminated display case; Nesbitt, et al. (PG Pub 2002/0053153) discloses an electronic bus stop display.

Conclusion

26. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristen A. Manskar whose telephone number is (571) 270-1220. The examiner can normally be reached on Monday-Friday 7:30a.m.-5p.m..

27. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Renee Luebke can be reached on (571) 272-2009. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

28. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service

Art Unit: 2875

Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kristen A. Mansba

KAM



RENEE LUEBKE
PRIMARY EXAMINER